

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHANNON BRUCE MORLEY.

Petitioner,

V.

JEFFREY A. UTTECHT,

Respondent.

No. 3:20-CV-5227-RAJ

PROPOSED ORDER ON REPORT AND RECOMMENDATION

THIS MATTER is before the Court the Report and Recommendation of Magistrate Judge David W. Christel [Dkt. # 21], Petitioner Morley's Objections [Dkt. # 22], and the underlying record.

- (1) The Report and Recommendation is **ADOPTED**.
- (2) Morley's federal habeas petition under 28 U.S.C. § 2254 is **DISMISSED** **WITHOUT PREJUDICE** for failure to exhaust.
- (3) The Court will **NOT** issue a Certificate of Appealability under 28 U.S.C. § 2253(c)(2), for the reasons articulated in the Report and Recommendation.

1 (4) The Court dismisses the Petition and will not issue a Certificate of
2 Appealability. Further, Petitioner paid the filing fee. Therefore, the Court
3 finds any request to proceed *in forma pauperis* on appeal should be denied.
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5 **DATED** this 9th day of September, 2020.

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8 The Honorable Richard A. Jones
9 United States District Judge
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